



W.P(MD).No.8525 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD).No.8525 of 2022

G.Sigamani

... Petitioner

Vs.,

The Sub Registrar,
Paramakudi Sub Registrar Office,
Ramanathapuram District.

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to remove the entry of the mortgage deed dated 17.05.99 from the encumbrance certificate in respect of the shop bearing D/No.5/132, Old Survey No.113/785, New Ward No.17, TS No.132, Ward G, Block 15 Angalammana Koil Street, Paramakudi, Ramnad District and to include the name of the petitioner by considering the petitioner's representation dated 31.03.2022 and 22.04.2022.

For Petitioner : Mr.I.Robert Chandrakumar

For Respondent : Mr.B.Subbaraj
Special Government Pleader

ORDER

The writ petition has been filed for issuance of writ of mandamus directing the respondent to remove the entry of the mortgage deed dated 17.05.99



W.P(MD).No.8525 of 2022

from the encumbrance certificate in respect of the shop bearing D/No.5/132, Old Survey No.113/785, New Ward No.17, TS No.132, Ward G, Block 15 Angalammana Koil Street, Paramakudi, Ramnad District and to include the name of the petitioner by considering the petitioner's representation dated 31.03.2022 and 22.04.2022.

2. The prayer sought for by the petitioner could not be granted by this Court, since the Registering authority has no power to remove the entry already made in the encumbrance certificate. However, the petitioner is directed to present the decree of mortgage deed granted in O.S.No.88 of 2016 dated 21.08.2018 before the respondent. On receipt of such presentation, the respondent is directed to register the same within a period of one week thereafter.

3. With the above observation, the Writ Petition is disposed of. No costs.

09.08.2024

NCC : Yes/No
Index : Yes/No
Rmk

To

The Sub Registrar,
Paramakudi Sub Registrar Office,
Ramanathapuram District.



WEB COPY



W.P(MD).No.8525 of 2022



WEB COPY



W.P(MD).No.8525 of 2022

N.SATHISH KUMAR, J.

Rmk

W.P(MD).No.8525 of 2022

09.08.2024